

REMARKS

Claims 1-17 and 19-20 are all the claims pending in the application, claim 18 having previously been cancelled. The Examiner rejects claims 1-2, 4-17, and 19 under 35 U.S.C. §102(b) as being anticipated by Howald (US 6,014,793). The Examiner also rejects claims 3 and 20 under 35 U.S.C. §103(a) as being unpatentable over Howald in view of Hughes et al. (US 6,625,425).

§ 102(b) Rejection Howald Reference

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See, MPEP 2131.

The present invention relates to a locking mechanism for securing a battery compartment cover to a mobile communications terminal body, wherein a single release device actuates two or more locking members. When the release device is operated, the two or more locking members move to release latching members that are fixed to a battery compartment cover thereby releasing the battery compartment cover from a mobile communications terminal body. Each of the release device and locking members are spring biased, and each of the locking members, when actuated, move in different directions. See, App. Figs. 5-8.

Claims 1 and 11

The Examiner rejects claims 1 and 11 under § 102(b) as being anticipated by Howald. Howald relates to a device for attaching a strap to a watch, comprising a housing provided with two latch pins adapted to be received in facing recesses of the horns of the watch. The pins are able to occupy one of two positions, a first position protruding from the housing and engaging the

recesses, and a second or retracted position. The pins are retracted or protruded by the operation of a cam accessible from the outside of the housing.

Howald's pins are protruded against the bias of springs. This is shown in Figs. 1 and 2, reproduced below for convenience. Fig. 1 shows Howald's apparatus in a **latched** position wherein cam 20 forces pins 18 into a protruded position thereby engaging watch horns 13. In doing so, the cam 20 forces the pins **against the bias of the springs** 19. When the cam 20 is rotated by 90 degrees, as shown in Fig. 2, the pins 18 are forced into a retracted position by the bias of springs 19.

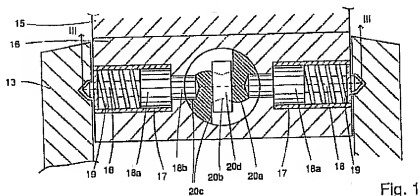


Fig. 1

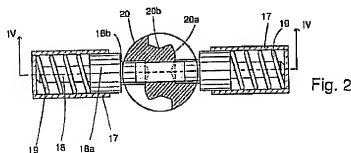


Fig. 2

This is different than the invention of claims 1 and 11. Claims 1 and 11 require "each latching member being **released** from the grip of the corresponding locking member when the lock release device is forced in frictional sliding contact with the plurality of locking members **against the spring bias** of each of the locking members." This requires that the spring forces the locking members into an engaged position with the latching members; just the opposite than Howald

where the spring forces the pins into a retracted (or disengaged) position. Therefore Howald teaches away from the limitations of claims 1 and 11, and claims 1 and 11 are allowable over Howald.

Because Howald does not teach each limitation of the invention of claims 1 and 11, and in fact teaches away from one limitation of claims 1 and 11, applicant believes these claims are in condition for allowance, and respectfully requests reconsideration and withdrawal of the rejections, and early allowance of these claims.

Dependent claims 2-10, 12-17, and 19-20

Each of the above listed dependent claims depends from an allowable independent claim and is therefore allowable for at least this reason. Applicant respectfully requests reconsideration and withdrawal of the rejections.

§ 103(a) Rejection

Howald and Hughes References

Claims 3 and 20

Claims 3 and 20 stand rejected as being unpatentable over Howald in view of Hughes. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See, MPEP 2143.

Hughes is also directed to a locking mechanism for securing a battery cover to a wireless communication terminal. The latch of Hughes locking mechanism also include a spring 406 to bias an inner component 404 away from the terminal housing and into engagement with protrusions 316 and 318 of the

battery cover 212 thereby securing the battery cover to the housing 102. To release the battery cover, the button 414 is pressed overcoming the spring 406 bias and disengaging the battery cover 212 from the terminal housing 102. See, Hughes, Figs. 5-8.

Howald and Hughes cannot expect success when combined because in the instance of Howald, the spring biases the pin into a **retracted (disengaged)** position, and in the instance of Hughes, the spring biases the inner component into an **engaged** position. The springs of Howald and Hughes operate differently; Howald biases to disengage while Hughes biases to engage wherein "engage" means to secure one part to another.

For at least this reason that there is no expectation of success when the references are Howald and Hughes are combined, the *prima facie* case for obviousness has not been made, and claims 3 and 20 are allowable over the combination of Howald and Hughes. The applicant respectfully requests reconsideration and withdrawal of the rejections in view of the above arguments.

CONCLUSION

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain at issue which the Examiner feels may be best resolved through a telephone interview, the Examiner is kindly invited to contact the undersigned at (213) 623-2221.

Respectfully submitted,
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